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Vice-Admiral LESTOCK'S VINDICATION,

As spoke by him

At the Bar of the Hon. House of Commons,
on *Tuesday* the 9th of *April*, 1745.

CONTAINING

His REMARKS on the Evidence that have been
examined, relating to the Miscarriage of his Majesty's
Fleet off *Toulon*, against the combined Fleets of
France and *Spain*. Wherein he points out the true
Cause of this Miscarriage; supporting the whole
by quoting Admiral *Mathews's* Account, which was
published by Authority. &c.



Printed for J. JINGLE, at the Nine Muses, on the Sea
Shore, 1745.

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Vice Admiral Lestock's Vindication, &c.



Think it a Duty incumbent upon me to thank this Honourable Committee for their great Candour and Patience throughout this Enquiry; and also for the particular Indulgence in allowing me a Chair at the Bar. I shall always retain the most grateful Sense of the Favours and Honour I have received, such as will never be effaced out of my Memory.

I flatter myself I appear in a more favourable Light to this Honourable Committee than when first this Enquiry was opened: but it has been my great Misfortune that my Evidences were not arrived, to remove every Doubt or Suspicion of my Conduct that may be yet remaining, tho' I applied for their being sent for Home so soon as I had procured his Majesty's Order for bringing me to a Trial, which was the 20th of last August: now almost eight Months ago. Those that have been examined are only such as Chance have sent in my Way: It is therefore a great Concern to me that all my Witnesses were not here to justify every Part of my Conduct, and render my Innocence more conspicuous, as my Reputation as an Officer, my All is at Stake, in the Applause or Censure of this Honourable House.

It is with humble Submission that I mention, notwithstanding the great Indulgence I have received from

from the Honourable Committee, that I have labour'd under greater Disadvantages, in the Course of this Examination, than the Gentleman whose Authority laid the present Suspension on me. Had I been permitted to have cross examined the Witnesses, I flatter myself that from their Evidence I should have gather'd sufficient Matter to invalidate their Testimony, and what would have made greatly for me.

I beg the Indulgence of the Honourable Committee to mention the Particulars.

Capt. Marsh, of the Winchelsea, gave it as his Opinion, that had I steered half a Point or a Point more to Leeward (as he said I kept the Admiral always upon my Lee Bow) I should have got up to engage the Sternmost Ships. I appeal to every Seaman in this Honourable Committee, whether it is possible for a Man four or five Miles ahead, and wide of a Ship, to judge the steer within a Point, or half a Point of the Compass. I humbly apprehend as this was Capt. Marsh's Situation with regard to me, it was impossible for him to have distinguished so nicely; and if it was scrupled at my seeing the Poder dismasted, as Capt. Marsh was very little short of that Distance from me, it may be wondered at his seeing a Ship steer within half a Point.

Capt. Long (who no doubt was a better Judge than Mr. Marsh, from his Situation right astern of me) does not alledge any thing against my Steerage, but, if I remember, he spoke in my Favour in that Point.

And as it has been declared by several Witnesses, that my Studding Sails were frequently shifted from one Side to the other, I appeal to the Seamen in this Honourable Committee, whether this is not a Proof to invalidate Capt. Marsh's Evidence, as all the Ships ahead had the Wind on the Larboard Quarter.

Capt. Long also says, that he with all his Sails set could not get up with me, till I had hauled my Wind and storned Sail, which he says I did at three o'Clock, but upon being asked whether the French Squadron had then tacked, he acknowledged they had.

If the Honourable Committee has not already observed in the Course of the Examination, that the French did not tack before the Fire-ship blew up, which was about five o'Clock; upon Enquiry into this Particular, it will not be denied: It is a Truth universally known, for which Reason, I may well suppose Captain Long mistaken, and that it is evident I neither shortened Sail, nor clapped upon a Wind, until the Signal was made to give over Chace, which was made on that Occasion.

Lieutenant Dorreil, of the Royal Oak, declared, that his Captain bore down, until he found that none of the Ships a-head of him would succour him; and he was obliged to haul his Wind again from the Fire of three Ships of the Enemy, having received a Shot in the Head of his Main-Mast. As there were but 6 Ships a-stern of the Real, these 3 with her Second employed against the Marlborough, made four, so there were only two left at this rate for my Division; and the Honourable Committee will be pleased to observe, that there was a great Distance between our Divisions, and that the Cambridge and Dunkirk were posted in the Line of Battle a-head of me.

Mr. Matthews, eager as he may be to condemn me, will not I believe say that I could have taken upon me to have broke the Line of Battle, and bore down before the time he bore down upon the Real, when I neither knew nor saw that he intended to attack the Spanish Squadron, which according to the Line of Battle, and the Rules of War, should have fallen to my share, as well as what Lieutenant Knowles had told me with regard to my engaging the Spanish Admiral.—But had he sent me a Message to have gone after these Ships, or made the Signal for me and my Division to give Chace in the Morning, before the sternmost Ships of the Enemy were so much a-head of me, though I could not have got up to Engage, yet possibly I might have kept two or three of the sternmost afore the Wind, and I should have been justify'd for breaking the Line, and not endeavouring to engage according

according to the Order of the Battle, upon a
 Number of the Enemy's Ships before the main Body
 was disabled, or run, and leaving my position on any
 Pretence, which Instructions enforce Obedience, as
 the 1st, 13th, 21st, and 24th Articles of the Fighting
 Instructions sufficiently bear me Witness.

By bearing away more than I did, would have sepe-
 rated me to Lee ward from the Center, and I should
 not have been in the way at eight at Night, when
 Admiral Mathews sent me Orders by the Lieutenant
 of the *Ruffel*, to keep near him; having shifted his
 Flag from the *Nimrod* on board of that Ship.

The Consequences of this Rashness without Au-
 thority, as Things afterwards fell out, it would have
 brought the Confederate Fleet between him and me,
 and it would have been impossible for me to have
 sustain'd so heavy a Charge against Discipline and
 Order, when it was so obvious and plain that my Duty
 was to do my utmost to close with the Center, in Obe-
 dience to the Message sent me, and the Signal for the
 Line which was kept abroad.

In the Forenoon we went at the Rate of three Miles
 an Hour; but when the Action began, the Wind had
 declin'd so much, and the Swell was so very high,
 that we had but just Steerage-way: and what serves
 to corroborate this Truth is, the little Distance we
 gain'd in the afternoon's Sail upon the *Marlborough*;
 which Ship was all that time in action, lost her Masts,
 and could not be supposed to go any thing a-head.
 And as a further Proof, the *Ruffel*, my Second a-stern
 always esteem'd a good sailing Ship, not above eight
 Months from being clean'd, had every Sail set, and
 could not, according to her Captain's Declaration,
 get up close with me before I shorten'd Sail, which
 was at Five o'Clock, instead of Three, as he imagin'd
 since he acknowledged that the French had then rack'd.

Captain Paulet has said I reef'd my Top Sails, but
 one of his own People has contradicted him.

I have produced five Witnesses who heard the Mes-
 sages from Mr. Mathews delivered by his Lieutenant

on the Neptune's Quarter Deck; they are possible never shortened Sail, nor did I Reel that Day: They kept the Deck; one of them was quartered in the Main-Top, and it was impossible for me to have Reefed without their Knowledge. Besides, if the Honourable Committee will be pleased to consider the Improbability of my Reefing between Nine and Ten o'Clock, having just before received Admiral Mathews's Order, to make more Sail, it is not likely that I should act in open Defiance of my commanding Officer's Order: To what Purpose should I do this? It could serve no other End than giving him an Opportunity to destroy me. There was no Wind to occasion this Caution, for we did not go more than three Miles an Hour, with all the Appearance of fine Weather.

It has been insinuated that I held a Correspondence with the Enemy, a Rumour that was never laid to my Charge by Admiral Mathews, however my Enemies may have propagated this Report for want of sufficient Matter against me. This is so ridiculous in itself, that I shall only say I was never on Shore, but once, while the Fleet lay at Hieres, and that was with the Leave of Admiral Mathews, to meet a French Officer who had taken me a Prisoner in the late War, and treated me nobly; when Mr. Rowley and Mr. Martin, now Admirals, bore me Company all the Time we convers'd together.

Every Consideration seemed to enforce our Fleet pursuing the Enemy down the Straights, especially as it was reported they expected Reinforcements from Brest, and not one against it, even if it could have been Possible to have strained our wounded Masts by sailing large: So great an Advantage and such sure Omens of Victory were worth running some Risque; and as the Enemy escaped by my being called off Chace, Mr. Mathews, who gave the Order, is alone answerable.

After that Queries, Answers, and Replies had past between us, on the 16th of March, above five Weeks after

after the Action having sent Mr. Matthews what is entled my Rejoinder, a Paper of some Length and Reasoning, without any farther Consideration he sent me the Letter of Suspension, struck my Flag the same Night, and the next Morning many Boats came on board of the Ship; enquiring whether I was not dead; and even some Captains asked me the Cause of my being suspended, so little did it appear to the Fleet that I had misbehaved or deserved this severe Censure.

• He began his Command over me in this Manner, and superseded all the Officers that I had made, even my own Secretary, and those that had been appointed before he sail'd from England, and had come within the Jurisdiction of his Command.

This, I humbly apprehend, he had no more Power to do, than to supersede the Officers that Mr. Haddock had appointed; since I had the King's Authority to command the Fleet.

Not to trespass any longer on the Time of the Honourable Committee, having been thus arraigned and condemn'd by Admiral Matthews, deprived of Commanding in Chief the Fleet, and a y^e Share of the Prize-Money, I was sent home, as a Delinquent, in a fifty Gun Ship, charged with a Convoy, full in the Sight of the Nation, to take all the Blame and Odium of the Failure of His Majesty's Fleet: as in the Shame and open Disgrace thus put upon me, was involved the Misconduct of every Person in the Fleet, as it has appear'd that no other has been accus'd y^e Admiral Matthews.

But with what Equity and Impartiality, I submit to the Honourable Committee.

Here I have been near a Twelve-month, seen Junior Flag Officers promoted to the Rank above me; left to struggle without any Friend, with the greatest Misfortunes and Difficulties to come at my Trial, the indubitable Right of every Englishman: And had Mr. Matthews laboured and endeavour'd as much to obtain an Enquiry, as I have done, the necessary Evidences would have been arrived to have perfected it before this Time, and entirely confuted the many scandalous Reports spread to blamish my Reputation.

I have nothing more to add, than that I hope, tho' I have not been arm'd for this Enquiry with my Evidence, yet I have no proof of conscious Guilt or a defective Cause.

The Persecution of popular Clamour, and the Tortures of Misrepresentations and Calumny have had their Days against me; but now the Time is at hand, when they must yield to Truth and Demonstration.

F I N I S.